

CHAPTER 2 OPERATING AND GRANTING POLICIES

222—2.1(303) Definitions. The definitions of terms listed in Iowa Code section 17A.2 and 222—Chapter 1 shall apply for this chapter.

222—2.2(303) Operating policies. The following operating policies shall apply to arts division programs and services except where noted:

2.2(1) The arts division is a division of the Iowa department of cultural affairs and shares its purpose of and assumes primary responsibility for development of a cultural climate within the state in which the arts may flourish.

2.2(2) The council, created as an advisory council by Iowa Code section 303.86, consists of 15 members, appointed by the governor from among citizens of Iowa who are recognized for their knowledge, appreciation, or support of the arts and cultural heritage of Iowa. In making appointments, due consideration shall be given to the recommendations made by representative civic, educational, and professional associations, groups, and artists concerned with the arts in addition to recommendations submitted by the public at large.

2.2(3) Each member of the council serves a three-year term which begins on July 1. The governor shall appoint a chair and vice chair from the members of the council to serve at the pleasure of the governor. In the event of a vacancy, the seat shall be filled for the balance of the term in the same manner as the original appointments were made.

2.2(4) The primary responsibility of council members and arts division staff is to promote policies and viewpoints which benefit the arts throughout the state of Iowa. Council members and arts division staff are encouraged to combine an understanding of the artistic needs of their communities with the general sensitivity to the cultural aspirations of other communities, so that all shall be served without biases to any specific city, art form, or organizational interest.

2.2(5) Annually, the chair appoints an executive committee of six members of the council, inclusive of the vice chair and chair. Between meetings, business may be conducted by the executive committee. A majority vote consists of four of six votes cast.

2.2(6) All assignments of duties of council members shall be made by the chair in consultation with the administrator. These services shall include, but not be limited to, the council executive committee (with the exception of the vice chair), standing committees, advisory panel, attendance on behalf of the agency at meetings, arts jurying functions, or any other responsibility where the function of the member may be construed as direct representation of the arts division. The arts division shall accept nominations from the general public of qualified individuals to serve in these capacities. Appointments are made for a term of one year unless otherwise specified at the time of the appointment.

2.2(7) Annually, the administrator, in consultation with the chair, appoints advisory panels to assist on any aspect of arts division administration, programs, or services.

2.2(8) Recommendations of advisory panels on any aspect of administration or programs constitute advice and shall not be binding on the council. In the case of grants, final awarding authority rests with the director or the director's designee.

2.2(9) Council business meetings are open to the public, subject to the Code of Iowa. Advisory panel sessions are not required to be open to the public, but are open as a voluntary rule of the arts division. All meetings open to the public shall be governed by Iowa's open meeting law guidelines.

2.2(10) All binding actions of the council are determined by a quorum of voting board members. A quorum shall be a simple majority of those members.

2.2(11) The public records of the arts division as defined by Iowa law are open for public inspection under the supervision of a staff member during regular business hours. Requests for copies of public records may include fees for materials and research at the discretion of the administrator.

2.2(12) Arts division staff members work under the direct authority and supervision of the administrator.

2.2(13) The administrator of the arts division is authorized to reimburse board members, staff members, advisors, panelists or contractors for travel and subsistence and other appropriate and reasonable expenses related to their assignments. Assignments shall be approved by the administrator to be eligible for reimbursement. Such reimbursements shall be subject to state law.

2.2(14) The arts division shall provide information on arts activities in Iowa to the general public through newsletters, news releases, brochures and other publications and, if deemed necessary by the arts division, may charge a fee for the dissemination of such information.

2.2(15) Individuals and organizations are eligible to request a copy of information contained in the arts division's HOBIE computer system, for projects of direct benefit to the development of the arts in Iowa. This data is intended to assist the arts division in improved and affirmative service to special constituencies.

2.2(16) Information shall be released under the condition that it shall not be sold, rereleased or retained for purposes other than those specifically stated to and granted by the arts division. The arts division reserves the right to refuse requests for information which require data not contained in the National Standard for Art Information Exchange or for requests that require special hand tabulation.

2.2(17) The arts division retains a current printout of the HOBIE mailing list system which is available for public inspection at the arts division office during regular state office hours. Other data information, if available, requires requests in advance. Organizations or individuals requesting information may be charged for time and materials used in producing lists or reports. Failure to make prompt payment for such services may jeopardize future requests for information. Fees shall be as follows with a minimum charge of \$15:

- a. Cheshire paper labels — \$.0075/entry.
- b. Adhesive labels — \$.0175/entry.
- c. Lists — \$.01/entry.
- d. Merged/purged lists to eliminate duplicates — \$.003/entry.
- e. Special requests — \$15.00.
- f. Request for over two selection criteria — \$5.00.
- g. Postage and handling per order — \$4.00.
- h. Rush orders — \$7.00.

2.2(18) Notification of application shall be given to the board for all grants initiated by staff to outside agencies.

2.2(19) Council members or staff shall not submit an application for arts division funds, serve as artist in an arts division program or activity during their terms of service or employment. Iowa Code chapter 68B also bans any compensation for services rendered in those instances where the compensation results directly from participation on or with the council or arts division. This ban shall extend for a period of two years after the termination of services or employment.

2.2(20) The arts division does not write or submit grant applications to other funding agencies for arts groups which, due to a lack of federal tax-exempt status or other qualifying characteristics, cannot apply to funding sources as coapplicant with other Iowa-based organizations.

222—2.3(303) Program policies. The following policies apply to all formerly adopted programs outlined in 222—Chapters 4 to 30 except where noted:

2.3(1) Under supervision of the administrator, the staff shall establish guidelines and standards for all arts division programs which shall include, but are not limited to: methodology of applications, methodology of fees, grant payment, matching requirements, all application, report and evaluation forms, and criteria standards for review of applications, required specializations and evaluation.

2.3(2) All arts division programs shall be conducted according to published guidelines which outline the goals of the programs, eligibility requirements, review criteria, adjudication processes and recipient requirements.

2.3(3) All direct grant programs shall require formal application and review prior to the award or denial of any grant funds. The application, review, and award process will vary with the nature and design of each direct grant program.

2.3(4) Applicants to arts division granting programs shall be notified of the results of the grant application within 120 days following the advisory panel meeting.

2.3(5) The arts division shall support only those organizations which are nonprofit and federally tax-exempt. An applicant's Internal Revenue Service tax determination letter and federal identification number shall be filed with the arts division prior to review of any grant application.

2.3(6) Applicant organizations shall have been in active service to the Iowa public for at least one year prior to the date of application. The one-year requirement may be waived by the administrator.

2.3(7) Nonprofit organizations that have not yet achieved federal tax-exempt status may apply through a fiscal agent.

2.3(8) Tax-exempt, nonprofit organizations located in states bordering Iowa shall be eligible to apply to the arts division for projects which serve Iowa audiences. Tax-exempt, nonprofit organizations located in bordering states are not eligible to apply to the arts division for general operating support.

2.3(9) Individuals applying for and receiving grant funds shall be legal residents of the United States, or be in the process of becoming legal residents as evidenced by certified documentation and be 18 years of age or older unless otherwise noted in program guidelines.

2.3(10) Artists applying to participate in arts division programs shall be subject to review. Final approval authority rests with the administrator. Criteria and review procedures shall be established by each program.

2.3(11) Requirements for all individuals applying to qualify for arts division programs include excellence as an artist, experience in program area and sensitivity to the audience to be served. Applications are reviewed by panels, staff, and the administrator.

2.3(12) Preference in all arts division programs shall be given to Iowa artists. Each program shall establish its own procedures and criteria to give preference to Iowa artists.

2.3(13) Applications shall not be considered unless submitted on proper forms with support materials as required. The standard application form shall be used except where noted under program guidelines.

2.3(14) Applications submitted to the arts division shall be for projects which occur during the period July 1 through June 30.

2.3(15) Applications shall be reviewed as received and deadlines shall be strictly enforced. Applications shall be postmarked or hand-delivered on or before the stated deadline date unless otherwise noted in program guidelines. An official U.S. Postal Service cancellation mark shall serve as the postmark date for deadline determinations. If the official deadline falls on a weekend or holiday, the first state working day after the published deadline becomes the official deadline. The use of facsimile machines to send applications is prohibited.

2.3(16) Arts division staff shall not be responsible for the correction or amendment of incomplete or erroneous applications after receipt in the arts division office.

2.3(17) For all granting programs designated as requiring matching funds, the grant awards shall not exceed one-half (50%) of the total project. In these instances, the grant receipt shall supply cash match at least equal to the amount of the grant.

2.3(18) The arts division shall reserve the right to question the financial need of applicants who fail to recognize the earned income and cash match potential of ticket sales or participant fees. Exceptions may include, but are not limited to: events which are difficult to ticket or against an applicant's board-stated admissions policies, financial hardships for attendees, or promotional activities to develop new audiences.

2.3(19) The arts division shall issue a service contract for all grants awarded unless otherwise noted in program guidelines.

2.3(20) No portion of arts division or other department funds shall be used by recipients to meet the recipient's or applicant's obligation to match other arts division or department grants or programs.

2.3(21) The arts division strongly endorses the advisory panel review process and utilizes this process in programs that, through their intent and scope, warrant this review procedure.

2.3(22) Review criteria scores shall be the official written record of the proceedings of an advisory panel meeting. Arts division staff shall, upon request, provide applicants with a written record of these scores. Scores shall be maintained within HOBIE.

2.3(23) Advisory panel members, or contractors (in areas outside the contracting authority) shall not serve as spokesperson or an official representative of the arts division without written authorization from the administrator. Violations of this rule may result in the removal of the individual from the panel. This determination shall rest with the administrator in consultation with appropriate council members or arts division staff.

2.3(24) Advisory panel members who are not able to meet their obligations to panels for application review, meetings, to gather advice, or by taking on a reasonable share of on-site audits for evaluation, prescreening or qualitative review shall be relieved of further duty by the administrator. This determination shall rest with the administrator in consultation with appropriate council members or arts division staff.

2.3(25) Council members, staff members, advisory panel members or contractors who have an affiliated interest in any grant application failing to absent themselves from all discussion and voting on such an application shall be recommended for resignation to the appointing authority. Affiliated interests shall be interpreted to include employee, board or trustee relationship with the applicant, but shall not be extended to include the spouse of the participant.

2.3(26) For all arts division programs that utilize the panel review process, a summary report shall be submitted to the council prior to meeting for their review and vote during their regular business session. The focus of the council review shall include:

- a. Review criteria scores, advisory panel comments, evaluations or rankings;
- b. Statewide geographic distribution of the program in review in relation to all arts division programs and projects; and
- c. The availability of arts division funds.

2.3(27) The arts division shall place a strong emphasis on artistic quality in evaluating applications.

2.3(28) Programs supported to any extent by the arts division shall be open to the public.

2.3(29) The arts division shall not permit recipients to become dependent on the arts division for a majority portion of their operating budgets.

2.3(30) The arts division shall not consider applications for funding a previous year's deficit or projects excluding the general public except where special guidelines are in effect.

2.3(31) College- or university-based projects shall demonstrate community participation in planning, implementation and evaluation. Projects for which college credit is given to participants are not eligible for funding from the arts division. Projects which afford the college or university recruitment opportunities shall be considered a lower priority for funding.

2.3(32) Recipients of arts division grants shall not utilize funds to influence any state or federal legislation or appropriations.

2.3(33) Unless otherwise contracted for in writing prior to surrender, any and all patents, copyrights, or other legal interest of relevance to programs or projects supported by the arts division shall be the sole and exclusive property of the artist or the artist's designee.

2.3(34) Recipients shall comply with Section 504 of the Rehabilitation Act of 1973, Title VI of the Civil Rights Act of 1964, the Americans With Disabilities Act of 1990 and the National Fair Labor Standards Act.

2.3(35) Recipients of arts division grants shall credit the arts division in all promotion, publicity, advertising, and in any printed materials relating to the grants-supported projects with the following credit line or a reasonable facsimile: "This program is supported in part by the Iowa Arts Council." Noncompliance with this guideline shall jeopardize future funding of the recipient by the arts division.

2.3(36) The arts division shall require a formal final report to be submitted by all grant recipients 30 days following the completion date of the project for which funds were awarded.

2.3(37) No arts division funds shall be released to any recipient until all final reports and contract-mandated requirements from previous awards are correctly submitted and approved by arts division staff. Recipients who fail to return signed contracts or related materials within 60 days of the funding

notification or June 30, whichever comes first, shall risk cancellation of the pledge of funds from the arts division.

2.3(38) Recipients of arts division support in any form who are shown to be delinquent regarding final reports for past financial awards, negligent concerning statements of facts necessary to attain and maintain arts division funds, or substandard regarding compliance with contract-mandated guidelines, thereby rendering current or future arts division supported projects impractical, shall be placed on formal agencywide funding moratorium by the administrator. The funding moratorium shall remain in effect until the necessary reports are submitted and approved, or until grant funds are returned to the arts division by the recipient.

2.3(39) Grant recipients shall comply with all federal and state laws and regulations that relate to their grant. Arts division grantees receiving \$25,000 or more in federal funds shall submit an audit report in accordance with OMB circular A-110 and A-128 for the year in which arts division grant funds are received and spent.

2.3(40) To ensure that state and federal grants are spent in full compliance with all state and federal guidelines and requirements, the administrator shall formulate and maintain a system of periodic on-site audits (financial, managerial, artistic, and physical) of recipients of grants and program funds, and make reports concerning these audits to the appropriate authorities.

2.3(41) All arts division contracts not successfully completed by the recipient in terms of concept within arts division guidelines may be required to return all or part of the arts division funds, such determination to be made at the sole discretion of the administrator in consultation with arts division staff.

2.3(42) Extensions to the contracted period of all arts division grants and programs may be requested in writing, addressed to the administrator and may be approved at the administrator's sole discretion in consultation with arts division staff. Generally, agency funding shall not be extended beyond September 30. Extensions shall not be approved when the new project time line is eligible for support under the next program deadline. Projects that are eligible for the next program deadline shall be re-submitted by the applicant for reconsideration with the applicant adhering to all program guidelines then in effect.

2.3(43) Informal appeals. An informal appeals process shall be made available only to applicants whose applications were declined on procedural impropriety or error as evidenced by one or more of the following reasons:

- a.* Application declined on the basis of review criteria other than those appearing in the relevant guidelines,
- b.* Application declined based on influence of the advisory panel or council member(s) willfully or unwillfully failing to disclose conflicts of interest, and
- c.* Application declined based on highly erroneous information provided by staff, panelists, or council members at the time of review despite the fact that the applicant provided the arts division staff with accurate and complete information on regulation forms as part of the standard application process. Incomplete applications are specifically denied any appeals process. Substantially revised applications may be recognized as new applications, or may be declared ineligible if constraints of time preclude accurate information being made available to panelists. All requests for appeals shall be made in writing and shall be postmarked or received in the arts division office within 30 days of notification of the decision. A successful appeal shall be determined at the sole discretion of the administrator, whose discretions may include full or partial funding of the aggrieved application which shall then be funded at the next earliest occasion.
- d.* The administrator shall have the authority to appoint an appeals committee to assist in the review of any request from applicants whose applications were denied funding. The appeals committee shall have representation from the discipline of the aggrieved.

2.3(44) Formal appeals. Reserved.

These rules are intended to implement Iowa Code sections 303.87 and 303.88.

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CHAPTER 3
Reserved